IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

W.P.(C)No. 15219 of 2007(J)

PETITIONER:

REMADEVI. P.S., W/O.PRATHAPAN K.S.,
AGED 48, `ARATHI', THIRUMALABHAGAM P.O.,
THURAVOOR, ALAPPUZHA,
(PRESENTLY WORKING AS HEADMISTRESS IN HWLPS
PAVUKKARA, MANNAR.)

BY ADV. SRI.G.KRISHNAKUMAR
SRI.B.S.SURAJ KRISHNA

RESPONDENTS:
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1. DEPUTY DIRECTOR OF EDUCATION,
O/O.THE D.D.E., ALAPPUZHA.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. K.S. GEETHA, W/O.HUSBAND'S NAME & AGE
NOT KNOWN TO THE PETITIONER, HEADMISTRESS,
L.P.G.S., ANAPARAMBIL.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the order dated 20.5.2006 issued by the 1st respondent.

Ext.P2: Certificate dated 11.5.2007 issued by the Village Officer, Kuthiathodu.

Ext.P3: Photocopy of the representation dated 26.6.2006 issued by the petitioner to the first respondent.

Ext.P4: Photocopy of the application for transfer, dated 24.2.2007 submitted by the petitioner.

Ext.P5: Photocopy of the representation dated 2.3.2007 issued to the respondents.

Ext.P6: Photocopy of the order dated 5.5.2007 passed by the 1st respondent.

Ext.P7: Photocopy of the relevant pages of the order dated 26.4.2005 issued by the first respondent.

Ext.P8: Photocopy of the certificate dated 25.5.2007 issued by the Village Officer, Kuthiathodu..

// True copy //

P.A. to judge

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A.K.BASHEER, J.

W.P.(C)No.15219 OF 2007

Dated this the 31st day of May, 2007

JUDGMENT

Petitioner who is stated to be working as Headmistress in a Government Lower Primary School at Pavukkara in Mannar is aggrieved by the order of transfer issued in favour of respondent no.3 as Headmistress in Government Upper Primary School at Uzhuva.

2. According to the petitioner, the request made by her for a transfer to the said school at Uzhuva was totally ignored and overlooked by the department. She contends that her request ought to have been favourably, considered particularly for the reason that she had married a person belonging to another community and therefore she was entitled to get the benefit of the relevant clause relating to inter caste marriage couples.

3. In the counter affidavit it is pointed out by the departmental officer that petitioner had not referred to the above claim while making her request for transfer. If only she

had made such a request, it might have been appropriately considered. On the contrary, respondent No.3 had produced relevant documents claiming the benefit available to the dependants of freedom fighters.

4. Anyhow, in the peculiar facts and circumstances of the case, I am of the view that the petitioner has to be relegated to the departmental authority.

5. Learned counsel submits that petitioner will be satisfied, if an appropriate direction is issued to respondent no.1 to take a decision on Exts.P4 and P5 with reference to the relevant orders of the Government. Learned counsel for respondent no.3 while supporting the order passed in her favour, submits that she has not been posted to a station of her choice. She would be happier if she is accommodated in one of the stations preferred by her. Anyhow, at the moment she is happy with what she has got.

6. In the above facts and circumstances, the writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Exts.P4 and P5 strictly on their

merit and in accordance with law as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. Needless to mention that petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

7. If respondent no.1 finds that the request made by the petitioner is to be granted and she is to be accommodated at Uzhuva then necessarily it shall also be considered whether respondent no.3 can be accommodated in one of the three stations of her choice. Otherwise respondent no.3 need not be disturbed from Uzhuva and petitioner can be accommodated in any other station of her choice.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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